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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: _____

Chant Appling

Atty Docket No: 407T-897221US
Client Ref: 95-276-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JAMES D. MARKS, and ROBERT SCHIER

Application No: 09/315,574

Filed: 5/20/1999

For: NOVEL HIGH AFFINITY HUMAN
ANTIBODIES TO TUMOR ANTIGENS

Examiner: Christopher H. Yaen

Art Unit: 1642

Confirmation No: 1369

PETITION TO ACCEPT
UNINTENTIONALLY DELAYED
PRIORITY CLAIM UNDER 37 C.F.R.
§1.78(a)(3)

Mail Stop: PETITION
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Applicants hereby petition for acceptance of an unintentionally delayed priority claim under 37 C.F.R. §1.78(a)(3). In particular, Applicants petition to correct the priority claim of the above-identified patent application as follows:

[0001] This application is a divisional of USSN 09/315,574, filed on May 20, 1999, now patent No: 6,512,097, which is a Divisional of USSN 08/665,202 filed on June 13, 1996, now U.S. Pat. No. 5,977,322, which is a continuation-in-part of United States Provisional Applications U.S.S.N. 60/000,238 and U.S.S.N. 60/000,250, filed on June 14, 1995 and June 15, 1995 respectively. These applications are incorporated by reference for all purposes.

Applicants note that the subject application as originally filed, properly identified the immediate priority document (USSN 09/315,574, now Patent No: 6,512,097) and the ultimate priority documents (U.S.S.N. 60/000,238 and U.S.S.N. 60/000,250). The intervening reference (USSN 08/655,202, now patent 5,877,322) was inadvertently omitted.

Applicants further note, that by virtue of the incorporation by reference of USSN 09/315,574), the intervening reference (USSN 08/655,202) was *de facto* present in the subject application as filed.

In support of this petition, Applicants note the following:

- 1) Reference to the priority documents as required by 35 U.S.C. §120 was made by amendment in the amendment filed on March 27, 2006 a copy of which is attached.
- 2) The Commissioner is authorized to charge the \$1,370.00 fee pursuant to 37 C.F.R. §1.17(t) from Deposit Account Number 50-0893.
- 3) The entire delay between the date the corrected priority claim was due and the date the corrected priority claim was filed was unintentional.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

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Respectfully submitted,



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